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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JEFFREY SPESOCK, et al.,

11 Plaintiffs,

12 v.

13 U.S. BANK, NA, et al.,

14 Defendants.

CASE NO. C18-0092JLR

ORDER TO SHOW CAUSE

15 Plaintiffs Jeffrey Spesock and Janet Spesock's ("the Spesocks") filed their
16 complaint in this action on December 6, 2017. (*See* Not. of Removal (Dkt. # 1) at 2.)
17 The Spesocks assert one claim against all Defendants—namely, that they are entitled to
18 quiet title to the property located at 1301 Mukilteo Lane, Mukilteo, Washington, in their
19 names. (*See generally* Compl. (Dkt. # 1-1).) On September 26, 2018, the court granted
20 Defendants U.S. Bank N.A., successor trustee to Bank of America N.A., successor in
21 interest to LaSalle Bank N.A., as trustee for Washington Mutual Mortgage Pass-Through
22 Certificate WMALT Series 2006-AR4 Trust's (collectively, "the Trust") motion for

1 summary judgment and dismissed the Spesocks' claims against the Trust with prejudice.
2 (*See generally* SJ Order (Dkt. # 29).) In its order, the court concluded that the statutory
3 period on the Spesock's Deed of Trust had not run prior to the Spesocks' filing of the
4 present complaint. (*See id.* at 7-18.) In addition, the court also concluded that because
5 the Trust holds the endorsed-in-blank Note, it also holds the Deed of Trust as a matter of
6 law and, therefore, is entitled to enforce the Deed of Trust in a non-judicial foreclosure
7 proceeding. (*See id.* at 18-20.)

8 The only remaining Defendant in this action is Defendant Residential Funding
9 Company, LLC ("Residential Funding"). The Spesocks filed a declaration indicating that
10 they accomplished service of process on Residential Funding on December 21, 2017.
11 (*See* Verification of State Ct. Records (Dkt # 8) ¶ 1, Ex. A at 49.) Nevertheless,
12 Residential Funding has never appeared or answered the complaint. (*See generally* Dkt.)
13 The court orders the Spesocks to show cause why the court should not dismiss their claim
14 against Residential Funding with prejudice on the same grounds that the court granted
15 summary judgment to the Trust. The court also orders the Spesocks to show cause why
16 the court should not dismiss their claim against Residential Funding for failure to
17 prosecute. The court orders the Spesocks to file their response no later than 14 days after
18 the filing date of this order and to limit their response to no more than 10 pages. If the

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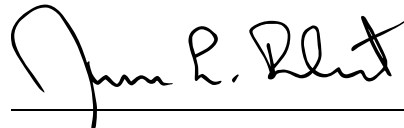
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1 Spesocks fail to timely or adequately respond to this order, the court will dismiss their
2 complaint against Residential Funding with prejudice.

3 Dated this 16th day of October, 2018.

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6 JAMES L. ROBART
7 United States District Judge
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